

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MATTHEW E. ORSO, as successor  
trustee to Kenneth D. Bell in his  
capacity as court-appointed  
receiver for Rex Venture Group, LLC,

Plaintiff,

v.

Case No. 8:21-mc-128-MSS-CPT

ANTHONY BRYANT ELLIS,

Defendant.

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**ORDER**

Before the Court is a *Motion for Appointment of Process Server* filed by Plaintiff Matthew E. Orso, as successor trustee to Kenneth D. Bell, in his capacity as a court-appointed receiver for Rex Venture Group, LLC. (Doc. 8). By way of his motion, Orso asks that the Court designate an employee or agent of a professional process server, ABC Legal, who is otherwise legally permitted to effectuate service of process, to serve Bank of America, N.A., and JP Morgan Chase Bank with the appropriate writs of garnishment previously issued in this action. *Id.*; *see also* (Docs. 6, 7).

Federal law, particularly Federal Rule of Civil Procedure 4.1, governs who may serve a writ of garnishment. *See* Fed. R. Civ. P. 4.1, 69(a)(1); *see also Sibbach v. Wilson*

& Co., 312 U.S. 1, 13 (1941). Rule 4.1 allows for the service of such a writ by, among other means, “a person specially appointed for that purpose.” Fed. R. Civ. P. 4.1(a); *see also Francois v. Washmonbo, Inc.*, 2008 WL 2694752, at \*2 n.3 (S.D. Fla. July 8, 2008) (approving a Rule 4.1 special appointment for service of a writ of garnishment). Consistent with this language and the nature of Orso’s request, courts in several related matters pending in this District have relied upon Rule 4.1 to specially appoint a nonparty process server under circumstances akin to those present in this case. *See, e.g., Orso ex rel. Bell v. Tucker*, 2021 WL 2580527 (M.D. Fla. June 23, 2021); *Orso ex rel. Bell v. Juan*, 2021 WL 2477459 (M.D. Fla. June 17, 2021); *Orso ex rel. Bell v. Vargas*, 2021 WL 2477468 (M.D. Fla. June 17, 2021); *Orso ex rel. Bell v. Morey*, 2021 WL 2477474 (M.D. Fla. June 17, 2021).

In light of this case authority, it is hereby ORDERED:

1. Orso’s *Motion for Appointment of Process Server* (Doc. 8) is granted.
2. Any employee or agent of ABC Legal, who is otherwise permitted to effectuate service of process under applicable law, shall be authorized to serve Bank of America, N.A., and JP Morgan Chase Bank with the appropriate writs of garnishment previously issued in this action.
3. Orso is directed to comply with the proof of service requirements set forth in the Federal Rules of Civil Procedure and the Court’s Local Rules.

SO ORDERED in Tampa, Florida, this 24th day of December 2021.

  
HONORABLE CHRISTOPHER P. TUIITE  
United States Magistrate Judge

Copies to:  
Counsel of record